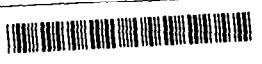


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08-03-2001

U.S. Patent & TMO/c/TM Mail Rpt Dt. #70

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration
No. 1,991,388

BARNSTEAD/THERMOLYNE CORPORATION,)	
)	
Petitioner,)	
)	
)	
v.)	Cancellation No.
)	
STERILE TECHNOLOGY INDUSTRIES, INC.,)	
)	
Registrant.)	
)	
)	

PETITION FOR CANCELLATION

Petitioner, Barnstead/Thermolyne Corporation, is a corporation organized under the laws of the State of Delaware and located and doing business at 2555 Kerper Boulevard, Dubuque, Iowa 52001. Petitioner believes that it will be damaged by Registration No. 1,991,388 and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. To the best of Petitioner's knowledge, Respondent is the owner of United States Trademark Registration No. 1,991,388 for STI CHEM-CLAV as applied to "waste treatment installations in International Class 11." A copy of the registration certificate for Registration No. 1, 991,388 is attached hereto as Exhibit I. The face of the Registration Certificate for Trademark Registration No. 1,991,388 indicates that the mark was first used by Sterile Technology Industries, Inc. as a trademark in connection with waste treatment installations on August 4, 1995, and that the registration issued on August 6, 1996.

08/07/2001 EPIN#1 00000149 500300 1991388
01 FC:376 300.00 CH

2. Upon information and belief, Registrant uses the mark STI CHEM-CLAV in connection with chemically enhanced steam sterilization systems.

3. Petitioner, Barnstead/Thermolyne Corporation, is the owner of United States Trademark Registration No. 1,002,699 for the mark CHEMICLAVE for dental, medical and surgical sterilization apparatus in International Class 10, issuing on the Principal Register on January 28, 1975. A copy of the registration certificate for Registration No. 1,002,699 is attached hereto as Exhibit II. Said registration was based on an application filed prior to the date of filing of Respondent's application and prior to the date of Respondent's claimed date of first use. A copy of the renewal certificate for Petitioner's Registration No. 1,002,699 is attached hereto as Exhibit III. Petitioner's United States Trademark Registration No. 1,002,699 and the renewal certificate issued in the name of MDT Chemical Company (California corporation) and MDT Corporation (Delaware corporation) respectively, and Petitioner Barnstead/Thermolyne Corporation is the current owner of renewed Registration No. 1,022,699 and the CHEMICLAVE trademark by way of assignment and merger. Relevant ownership documentation is attached hereto as Exhibit IV. Said registered mark of Petitioner is valid and subsisting and is conclusive evidence of Petitioner's exclusive right to use the mark CHEMICLAVE in commerce on the goods specified in the registration. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Respondent's registered mark so resembles Petitioner's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

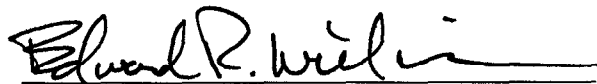
4. Petitioner has been, and is now, using the mark CHEMICLAVE in connection with the sale of dental, medical and surgical sterilization apparatus, and has used the mark CHEMICLAVE in connection with dental, medical and surgical sterilization apparatus through its predecessors since at least as early as October 4, 1973. Said use has been valid and continuous since the date of first use and has not been abandoned. The CHEMICLAVE trademark is symbolic of extensive good will and consumer recognition built up by Petitioner and its predecessors through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Respondent's registered mark so resembles Petitioner's mark previously

used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

5. A duplicate copy of this Petition to Copy is also enclosed. The Commissioner is authorized to deduct the Three Hundred (\$300) Dollar fee from Deposit Account No. 500300, or any other amount that is required to file this Petition. Upon and information and belief, Registrant, Sterile Technology Industries, Inc., has a current place of business at 1155 Phoenixville Pk. Unit 105, West Chester, Pennsylvania 19380.

WHEREFORE, Petitioner requests that Registration No. 1, 991,388 for the trademark "STI Chem-Clav" be cancelled and that this Petition for Cancellation be sustained.

Respectfully submitted,

A handwritten signature in black ink, reading "Edward R. Williams, Jr.", with a horizontal line underneath.

Edward R. Williams, Jr.
Attorney for the Petitioner
Reg. No. 36,057
10 Pleasant Street, Suite 300
Portsmouth, NH 03801
Phone: 603-433-6131
Fax: 603-436-5076

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

United States Patent and Trademark Office

Reg. No. 1,991,388

Registered Aug. 6, 1996

**TRADEMARK
PRINCIPAL REGISTER**

STI CHEM-CLAV

STERILE TECHNOLOGY INDUSTRIES, INC.
(INDIANA CORPORATION)
223 S. WEST STREET
LEBANON, IN 46052

FIRST USE 8-4-1995; IN COMMERCE
8-4-1995.

FOR: WASTE TREATMENT INSTALLA-
TIONS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31
AND 34).

SER. NO. 74-723,585, FILED 8-23-1995.

JANICE BAKER, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent Office

Reg. No. 1,002,699

Registered Jan. 28, 1975

TRADEMARK

Principal Register

CHEMICLAVE

MDT Chemical Company (California corporation)
13618 S. Alma Ave.
Gardena, Calif. 90249

For: DENTAL, MEDICAL AND SURGICAL
STERILIZATION APPARATUS, in CLASS 10 (U.S. CL.
44).

First use Oct. 4, 1973; in commerce Oct. 28, 1973.

Ser. No. 15,540, filed Mar. 11, 1974.

CHARLES R. FOWLER, Supervisory Examiner
S. D. LAPOINTE Examiner

2-150

Exhibit II

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 1,002,699
Registered Jan. 28, 1975
Renewal Term Begins Jan. 28, 1995

**TRADEMARK
PRINCIPAL REGISTER**

CHEMICLAVE

MDT CORPORATION (DELAWARE
CORPORATION)
2300 205TH STREET
TORRANCE, CA 905011495, BY CHANGE
OF NAME AND ASSIGNMENT FROM
MDT CHEMICAL COMPANY (CALI-
FORNIA CORPORATION) GARDENA,
CA

FOR: DENTAL, MEDICAL AND SUR-
GICAL STERILIZATION APPARATUS,
IN CLASS 10 (U.S. CL. 44).

FIRST USE 10-4-1973; IN COMMERCE
10-28-1973.

SER. NO. 73-015,540. FILED 3-11-1974.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on May 16, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Exhibit III

State of Delaware
Office of the Secretary of State

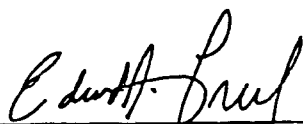
PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MDT CORPORATION", CHANGING ITS NAME FROM "MDT CORPORATION" TO "GETINGE/CASTLE, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF JANUARY, A.D. 1997, AT 9:01 O'CLOCK A.M.

Exhibit IV



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971099207



Edward J. Freel, Secretary of State

AUTHENTICATION: 8392695
03-26-97

DATE:

CERTIFICATE OF AMENDMENT
OF THE
CERTIFICATE OF INCORPORATION
OF
MDT CORPORATION

MDT Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify:

FIRST: That pursuant to a unanimous written consent of the Board of Directors of MDT Corporation, resolutions were duly adopted setting forth proposed amendments to the certificate of incorporation of said corporation, declaring said amendments to be advisable and directing that the amendments be considered by the sole stockholder of said corporation. The resolutions setting forth the proposed amendments are as follows:

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article I so that as amended Article I shall read as follows:

"Name: The name of the Corporation is Getinge/Castle, Inc."

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article II so that as amended Article II shall read as follows:

"Registered Agent Office: The address of this corporation's registered office in Delaware is 30 Old Rudnick Lane, Dover, DE 19901. The name of this corporation's registered agent at such address is CorpAmerica, Inc." in the county of Kent.

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article III so that as amended Article III shall read as follows:

"Purposes and Powers: The nature of the business or purposes proposed to be conducted or promoted by the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware."

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article IV so that as amended Article IV shall read as follows:

- 2 -

"Authorized Capital: The total number of shares of stock which the Corporation shall have authority to issue is 2,000, which shares shall be of one class, shall be designated Common Stock and shall have a par value of \$1.25 per share."

SECOND: That thereafter, the sole stockholder of the Corporation consented to the adoption of the Amendments to the Certificate of Incorporation herein certified in accordance with the provisions of Section 228(a) of the General Corporation Law of the State of Delaware.


THIRD: That said amendments were duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this certificate to be executed in its corporate name this 26th day of December, 1996.

MDT Corporation

By: 
Its: President

ATTEST:


By: Kent Nelson
Its: Secretary